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11 *Whole Foods Market, Inc.*

12  
13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**  
15

16 JONATHAN RETTA, KIRSTEN  
17 SCHOFIELD, and JESSICA MANIRE,  
18 on Behalf of All Others Similarly  
19 Situated

20 Plaintiff(s),

21 v.

22 MILLENNIUM PRODUCTS, Inc. and  
23 WHOLE FOODS MARKET, Inc.,

24 Defendants.  
25  
26  
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Case No. 2:15-CV-01801-PSG-AJW

**[PROPOSED] ORDER GRANTING  
DEFENDANT WHOLE FOODS  
MARKET, INC.'S MOTION TO  
DISMISS PLAINTIFF'S FIFTH  
AMDENDED COMPLAINT**

Judge: Hon. Philip S. Gutierrez

Date: September 12, 2016

Time: 1:30 pm

Courtroom: 880

1 On September 12, 2016, Defendant Whole Foods Market, Inc.'s Motion to  
2 Dismiss Plaintiff's Fifth Amended Complaint, brought pursuant to Federal Rules of  
3 Civil Procedure 12(b)(2) and 12(b)(6), came on regularly for hearing before the  
4 Court, the Honorable Philip S. Gutierrez presiding. Having considered Defendant's  
5 Motion and all other supporting and opposing arguments and papers, and good cause  
6 appearing:

7 **IT IS HEREBY ORDERED** that Defendant Whole Foods Market, Inc.'s  
8 Motion is GRANTED as follows:

9 1. Plaintiff's Fifth Amended Class Action Complaint is dismissed with  
10 prejudice as it concerns Defendant Whole Foods Market, Inc. for the  
11 following reasons:

12 a. The Court does not have personal jurisdiction over Defendant  
13 Whole Foods Market, Inc.; and

14 b. Plaintiffs fail to sufficiently allege Defendant Whole Foods Market,  
15 Inc.'s involvement in and control over the alleged misconduct.

16  
17 **IT IS SO ORDERED.**

18  
19 Dated: \_\_\_\_\_

\_\_\_\_\_  
20 THE HONORABLE PHILIP S.  
21 GUTIERREZ  
22 UNITED STATES DISTRICT JUDGE  
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